IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF IOWA EASTERN DIVISION

HIRSCHBACH MOTOR LINES,)	
INC.,)	No. 20-cv-01031
)	
Plaintiff,)	
)	DEFENDANT NAVISTAR INC.'S
VS.)	MOTION TO DEEM MOTION
)	(DOC. 28) AS TIMELY FILED
NAVISTAR, INC. and NAVISTAR)	(AGREED)
INTERNATIONAL)	
CORPORATION,)	
)	
Defendants.)	

Defendant Navistar, Inc. ("Navistar"), for its Motion to Deem Motion (Doc.28) as Timely Filed (Agreed), states:

- 1. Pursuant to court Order (Doc. 12), defendants' deadline to file an answer or responsive pleading to plaintiff's Complaint was October 15, 2020.
- 2. On October 15, 2020, Navistar filed an Agreed Motion for leave to file a Motion to Dismiss and for a More Definite Statement under seal (Doc. 24). By instruction of the court, immediately upon filing the Agreed Motion for leave to file under seal, Navistar emailed to the court the documents it wished to have filed under seal: Motion to Dismiss and for a More Definite Statement; supporting brief, and Exhibit A.
- 3. On October 16, 2020, the court entered an Order (Doc. 27) granting Navistar's Motion for leave to file under seal.
- 4. Eleven minutes after the entry of the court's Order (Doc. 27), Navistar filed under seal its Motion to Dismiss and for a More Definite Statement; supporting brief, and Exhibit A. (Docs. 28, 28-1, 28-2).

4. Navistar requests its Motion to Dismiss and for a More Definite Statement, supporting brief, and Exhibit A be deemed filed as of October 15, 2020 and therefore timely.

5. Pursuant to LR 7(k), counsel for Navistar personally conferred with counsel for

Hirschbach concerning the relief requested by this Motion and obtained Hirschbach's consent to

this Motion.

6. The parties further agreed for Hirschbach to have until Tuesday, November 17,

2020 to file its response to Navistar's Motion to Dismiss and for a More Definite Statement and

for Navistar to have until Wednesday, December 9, 2020 to file its reply. Hirschbach will be filing

an Agreed Motion regarding this briefing schedule.

For these reasons, Defendant, Navistar, Inc., requests the court enter an Order finding its

Motion to Dismiss and for a More Definite Statement, supporting brief, and Exhibit A be deemed

filed as of October 15, 2020 and therefore timely.

Respectfully submitted,

/s/ Stephanie Hinz

STEPHANIE HINZ (#AT0003506)

shinz@pbalawfirm.com

PICKENS, BARNES & ABERNATHY

1800 First Avenue NE, Suite 200

Cedar Rapids, Iowa 52407-4170

Telephone: (319) 366-7621

Facsimile: (319) 366-3158

JEFFREY PATTERSON (pro hac vice pending)

Texas Bar No. 15596700

ipatterson@hartlinebarger.com

TYLER G. STUART (pro hac vice pending)

Texas Bar No. 24056391

tstuart@hartlinebarger.com

HARTLINE BARGER LLP

8750 N. Central Expressway, Suite 1600

Dallas, Texas 75231

Telephone: (214) 369-2100

Facsimile: (214) 369-2118

CARY PERLMAN (PHV 6197698)

cary.perlman@lw.com

ROBIN HULSHIZER (PHV 6230994)

robin.hulshizer@lw.com

KEVIN M. JAKOPCHEK (PHV 6317040)

kevin.jakopchek@lw.com

LATHAM & WATKINS LLP

330 N Wabash Ave, Suite 2800

Chicago, IL 60611

Telephone: (312) 777-7244

ATTORNEYS FOR DEFENDANT NAVISTAR, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on all known counsel of record as listed below via the court's electronic case filing system on October 20, 2020.

JEANA L. GOOSMANN (#AT0002984)

GoosmannJ@goosmannlaw.com GOOSMANN LAW FIRM, PLC 410 5th Street Sioux City, IA 51101 712-226-4000 (phone) 712-224-4517 (fax)

/s/ Stephanie Hinz

STEPHANIE HINZ